

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

CARLA CHILDS, as Special)
Administrator of the Estate fo Ethel)
Kirk, and on behalf of herself and others)
similarly situated,)

Plaintiff,)

v.)

Case No. 10-CV-23-PJC

UNIFIED LIFE INSURANCE)
COMPANY and MOBILECARE 2U,)
L.L.C.,)

Defendants,)

ORDER

This matter came on for a fairness hearing on the proposed settlement of class actions claims in this case on January 31, 2012. The attorneys for Plaintiff Representative Carla Childs and Defendants Unified Life Insurance Company and MobileCare 2U, L.L.C., were present and Settlement Administrator, Jeffrey D. Dahl, President of Dahl Administration, L.L.C., (“Dahl”) appeared by telephone.

The Court heard arguments and received evidence for consideration, and, at the conclusion, expressed its concerns about the fairness of the proposed settlement’s reversionary provision¹ in light of the proposed *partial* payment of claims under the settlement and the limited number of claims for recovery from the common fund submitted. Given these concerns, the Court suggested that the parties reconsider the settlement terms and granted them permission to


¹ The Court also has some concern over the amount of attorney’s fees, but that is a matter to be determined by the Court and not the settling parties (other than a negotiated cap of \$300,000 in attorney’s fees).

file a brief on these fairness issues on or before Monday, February 20, 2012, should they decide to do so. A status hearing is scheduled for Thursday, February 23, 2012 at 10:00 a.m. to address these issues and any other concerns.

The parties also agreed to extend the time period for the filing of any objection and/or submission of an opt-out or claim form to allow the 244 potential class members who received late notice of the settlement plan (due to incorrect initial addresses) forty-five days from the date of mailing of the notice to respond.

Finally, upon completion of the above, Dahl should file its detailed report on or before April 1, 2012. The Court will then determine whether it will approve the proposed settlement. Should the settlement be rejected, the case will revert to its status as of Oct. 11, 2011, and a new Scheduling Conference Order will be entered.

IT IS SO ORDERED, this 1st day of February, 2012.



Paul J. Cleary
United States Magistrate Judge